

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

APEXART CURATORIAL PROGRAM,
INC.,

Plaintiff,

v.

BAYSIDE ROLLERS LLC, ABIGAIL
CARSWELL, BAYSIDE ROLLERS LLC,
ABIGAIL CARSWELL, BAYSIDE
HOSPITALITY LLC, a Washington
Limited Liability Company, and
AMERICAN URBAN ART AND
GRAFFITI CONSERVATION
PROJECT, a Washington Non-Profit
Corporation,

Defendants.

CASE NO.
2:22-cv-01807-TSZ

**STIPULATED MOTION TO
MODIFY CASE SCHEDULING
ORDER**

NOTE ON MOTION CALENDAR:
Same Day Consideration (2/12/2024)

I. STIPULATED MOTION

The above captioned Parties, by and through their respective counsel of record,
hereby move pursuant to FCRP 16(b)(4) and LCR 16(b)(6) for a modification of the Case
Schedule established in the Court's March 23, 2023 Minute Order, which currently sets
the following schedule:

Jury Trial Date: **June 3, 2024**
Length of Trial: **2-3 days**
Deadline for joining additional parties: **April 20, 2023**
Deadline for amending pleadings: **November 13, 2023**
Disclosure of expert testimony under FRCP 25(a)(2): **November 13, 2023**
All Motions related to discovery: **January 4, 2024**
Discovery completed by: **February 12, 2024**
All dispositive Motions: **March 14, 2024**
All Motions related to expert witnesses: **March 21, 2024**
All Motions in limine: **May 2, 2024**
Agreed Pretrial Order: **May 17, 2024**
Trial Briefs, voir dire questions, and jury instructions: **May 17, 2024**
Pretrial Conference @ 10:00AM: **May 24, 2024**

The Parties request the following revisions to the current schedule, primarily shifting all underlined deadlines/events approximately 120 dates, proposed as follows:

Jury Trial Date: ~**October 1, 2024**
Length of Trial: **2-3 days**
Deadline for joining additional parties: **April 20, 2023**
Deadline for amending pleadings: **November 13, 2023**
Disclosure of expert testimony under FRCP 25(a)(2): **November 13, 2023**
All Motions related to discovery: ~**May 3, 2024**
Discovery completed by: ~**June 11, 2024**
All dispositive Motions: ~**July 12, 2024**
All Motions related to expert witnesses: ~**July 19, 2024**
All Motions in limine: ~**August 30, 2024**
Agreed Pretrial Order: ~**September 16, 2024**
Trial Briefs, voir dire questions, and jury instructions: ~**September 16, 2024**
Pretrial Conference @ 10:00AM: ~**September 23, 2024**

This matter involves, in part, a claim for trademark infringement by Plaintiffs against Defendants. Both Parties previously moved for Partial Summary Judgment in

1 October of 2023 on multiple substantive claims and are currently awaiting the Court's
2 ruling(s) on those Motions.

3 The Parties agree that there is good cause to modify the Case Schedule as
4 proposed, and that modification will foster judicial economy and serve the interests of
5 justice.
6

7 The Parties are currently awaiting the Court's ruling on their Motions for Partial
8 Summary Judgment. The Parties expect the Court's ruling on Summary Judgment may
9 limit the number of substantive issues in this matter, and may obviate the need to
10 conduct certain discovery. Additionally, depending on the Court's ruling on Summary
11 Judgment, one or more parties may be more amenable to alternative dispute resolution.
12

13 The proposed case schedule modification will allow the Parties to avoid
14 potential unnecessary costs related to discovery and increase the likelihood of resolving
15 this matter without the need for trial. No party would be prejudiced if the Case Schedule
16 is modified as proposed herein. This is also the first request by either party to modify
17 the Case Schedule.

18 II. CONCLUSION

19 For the reasons set forth herein, the Parties respectfully request the Court issue a
20 new case schedule substantially consistent with the schedule proposed herein, or as
21 reasonably consistent with the Court's calendar.
22

1 Dated this 12th day of February, 2024

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3 OJALA LAW INC., P.S.

4 /s/ Tanner Hoidal
5 Tanner J. Hoidal, WSBA#56660
6 Peter C. Ojala, WSBA#42163
7 PO Box 211
8 Snohomish, WA 98291
9 (425) 367-1691
10 tanner@ojalalaw.com
11 peter@ojalalaw.com
12 *Attorney for Defendants*

13
14 CORR CRONIN, LLP

15 /s/ Eric A. Lindberg
16 Eric A. Lindberg, WSBA#43596
17 Laurel Brown, WSBA#59015
18 John T. Bender, WSBA#49658
19 1015 Second Ave., Floor 10
20 Seattle, WA 98104-1001
21 (206) 625-8600 Phone
22 (206) 625-0900 Fax
23 elindberg@corrchronin.com
24 lbrown@corrchronin.com
25 jbender@corrchronin.com
26 *Attorneys for Plaintiff*

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STIPULATED MOTION TO MODIFY CASE
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OJALA LAW
INC PS
PO BOX 211
SNOHOMISH, WASHINGTON 98291
PHONE (360) 568-9825 peter@ojalalaw.com